

**BEFORE THE BOARD OF HEALING ARTS  
OF THE STATE OF KANSAS**

**FILED**      *CAB*  
JUN 27 2008

KS State Board of Healing Arts

<b>In the Matter of</b>	)	
<b>Todd Eck, DC</b>	)	
	)	
<b>Kansas License No. 01-03922</b>	)	<b>Docket No. 08-HA00050</b>
_____	)	

**FINAL ORDER ON RECONSIDERATION**

**NOW** on this 21<sup>st</sup> day of June, 2008, comes on before the Kansas State Board of Healing Arts (“Board”) the Petition for Reconsideration and the Motion to Strike filed by Todd Eck, D.C. (“Respondent”). Respondent appears in person and with counsel, Ryan E. Hodge, Wichita. Dan Riley, Associate Counsel, appears for the Board.

After reviewing the file, hearing the testimony of Respondent and the statements and arguments of counsel, and being duly advised in the premises, the Board makes the following findings and orders:

1. On March 13, 2008, an Initial Order was filed by Mark A. McCune, M.D. in the above-captioned matter.
2. On April 26, 2008, the Board reviewed Initial Order issued by Presiding Officer Mark A. McCune, M.D.
2. Following the review of the Initial Order, the Board issued a Final Order that was filed May 12, 2008.
3. The Final Order issued by the Board provided that the 90-day suspension and fine imposed by Final Order would be stayed during the time in which Respondent may

seek reconsideration as allowed by the Kansas Administrative Procedure Act. The Final Order further provided that if reconsideration was requested, the stay would continue until the reconsideration is resolved.

4. On May 21, 2008, within 15 days of the service of the Final Order, Respondent filed a Petition for Reconsideration stating the specific grounds upon relief was requested.

5. On June 4, 2008, counsel for the Board filed a Response to Petition for Reconsideration.

6. On June 18, 2008, Respondent filed a Motion to Strike the Response to Petition for Reconsideration.

7. Respondent's Motion to Strike should be denied. While the Kansas Administrative Procedure Act does not specifically authorize the filing of a response to a petition for reconsideration, there is no prohibition from filing a response. Further, K.S.A. 65-727(e) specifically requires that the Board afford each party an opportunity to present briefs on the issues to be reviewed in considering an initial order. Reconsideration of a final order is substantially the same type of procedure as the review of an initial order.

8. Pursuant to K.S.A. 77-529(b), Respondent's Petition for Reconsideration should be granted in part and that the suspension of Respondent's license should be reduced from 90 days to 30 days, commencing on July 1, 2008.

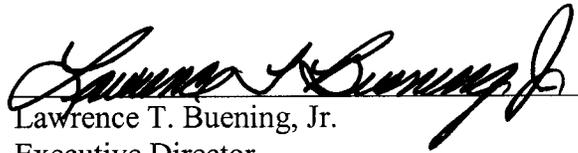
**IT IS THEREFORE ORDERED** that Respondent's Motion is strike is denied.

**IT IS FURTHER ORDERED** that the Final Order filed in the above-captioned matter on May 12, 2008, is modified to reduce the suspension of Respondent's license from 90 days to 30 days, commencing July 1, 2008.

**IT IS FURTHER ORDERED** that, except as hereinabove modified, the Final Order filed May 12, 2008 remains the order of the Board and the fine imposed in the amount of \$10,000, \$3500 of which has previously been paid by Respondent, is payable within 30 days following the effective date of this order, or at such time and in such manner as Respondent and Board staff might otherwise agree.

**DATED** this 27<sup>th</sup> day of June, 2008.

**KANSAS BOARD OF HEALING ARTS**

  
Lawrence T. Buening, Jr.  
Executive Director

**CERTIFICATE OF SERVICE**

I certify that a true copy of the foregoing Final Order on Reconsideration was served this 27<sup>th</sup> day of June, 2008, by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

Todd Eck, D.C.  
2925 Pepper Ridge Ct.  
Wichita, KS 67205

*Respondent*

and

Ryan Hodge  
Ray Hodge & Associates, L.L.C.  
135 North Main  
Wichita, KS 67202

*Attorney for Respondent*

and a copy was hand-delivered to the offices of

Dan Riley, Associate Counsel  
Kansas State Board of Healing Arts  
235 S. Topeka Blvd.  
Topeka, KS 66603

*Attorney for Board*

and

Katy Lenahan, Licensing Administrator  
Kansas State Board of Healing Arts  
235 S. Topeka Blvd.  
Topeka, KS 66603

A handwritten signature in black ink, appearing to read "Steven J. Cunniff", written over a horizontal line.